



Licking County Common Pleas Court

Licking County Courthouse

Newark, Ohio 43055

Judge W. David Branstool

(740) 670-5770

Fax (740) 670-5887

CIVIL CASE MANAGEMENT PROCEDURES **FOR CASES ASSIGNED TO JUDGE DAVID BRANSTOOL**

I. Introduction

The following case management procedures are designed to supplement the Licking County Common Pleas Court Local Rules of Practice¹ for civil cases, except foreclosures, assigned to Judge David Branstool.

II. Case Scheduling

A. Scheduling Conference

Generally, after answers have been filed, a case will be scheduled for a scheduling conference by the Court's Docket Administrator. Scheduling conferences are set approximately 30 days after the answers are filed. The purpose of the scheduling conference is to schedule a trial date, final pretrial conference and any other dates or deadlines that need to be set in order to facilitate and expedite discovery, and for the effective management of the case. These dates are set with input from all counsel to guarantee availability and to minimize the need to reschedule cases. After the scheduling conference the Court will issue a scheduling order to all parties and counsel containing all of the dates and deadlines set at the scheduling conference.

¹ Current copies of the Court's Local Rules can be obtained from the Court's website:
http://www.lcounty.com/clerkofcourts/PDF/general_division_rules.pdf.

Counsel and parties must appear in person for the scheduling conference unless the Court has given approval to participate by phone. Counsel appearing by phone must initiate the call to the Judge's chambers at (740) 670-5770.

At least seven (7) days prior to the scheduling conference, counsel shall submit to the Court an Initial Pretrial Statement. The Initial Pretrial Statement must include the following information:

1. The general nature of the claims and defenses of the respective parties.
2. Undisputed facts, if known.
3. Disputed issues of fact and law, if known.
4. An itemization of damages, if available.
5. An estimate of the time required for trial.

B. Trial Date

Once a case is set for a hearing or trial, all counsel and parties should expect it to occur. Cases will not be continued as a routine matter. If a continuance is requested, counsel should not wait until the last minute to seek it. Prior to filing a motion to continue **any event**, counsel for the moving party shall obtain a new date for the event from the Court's Docket Administrator. This date shall be included in the proposed order granting the motion. However, obtaining a new date, does not guarantee that the motion to continue will be granted.

Generally, multiple cases are scheduled for trial on the same date. Criminal cases will take precedence over civil cases. If more than one civil case is scheduled, usually the oldest case goes to trial and the others get reset. Counsel may contact the Court's Docket Administrator in advance of the trial date to determine if any other cases remain scheduled for trial.

Generally, jury trials are scheduled Tuesday through Thursday at 8:30 a.m. However, cases expected to take longer than three days may be scheduled to start on a Monday. Once a trial has started, it will resume daily until concluded, unless otherwise ordered by the Court.

C. Final Pretrial Conferences

Final pretrial conferences will be scheduled approximately four weeks before the trial date. Civil pretrial conferences are usually scheduled on Friday afternoons. All counsel, parties, and parties' representatives must appear, in person, at the final pretrial conference.

D. Status Conferences

In some cases, it may be helpful or necessary to conduct additional pretrial conferences or status conferences. To schedule a status conference or pretrial conference, counsel must contact the Court's Docket Administrator with proposed dates and times when all parties and counsel are available.

III. Discovery

A deadline for discovery may be set at the scheduling conference if a party requests it. Counsel may agree to extend the discovery deadline, without approval of the Court, unless the extension would affect other dates previously set at the scheduling conference.

Generally, all discovery matters are governed by the Ohio Rules of Civil Procedure. Specifically, under Civ. R. 37(E), each party shall make a reasonable attempt to resolve discovery disputes through discussion with the attorney, unrepresented party, or person from whom the discovery is sought. If these attempts

have been exhausted, counsel should contact the Court's Docket Administrator, by either phone, or email, and a telephone conference with all counsel and the Court will be scheduled as soon as possible.

If a resolution is not reached as a result of the telephone conference, such matters should be addressed with the Court by a specific motion to compel discovery or for a protective order. The Court should be advised at the time the motion is filed whether any of the parties request an evidentiary hearing.

IV. Motions

Every motion, unless made during a hearing or trial, shall be in writing, state with particularity the grounds supporting it, and clearly state the relief or order sought. Generally, written motions shall be submitted and determined by the Court upon the briefs submitted by the parties.

Unless an evidentiary hearing is scheduled, any motion filed by a party shall indicate the position of opposing counsel. Failing to obtain opposing counsel's position on a motion and stating it in the body of the motion and the proposed entry will result in the motion being denied. Every motion not scheduled for an evidentiary hearing shall be accompanied by a proposed order.

A. Joint, Agreed, and Uncontested Motions

Joint, agreed and uncontested motions should be so identified in both the title and body of the motion and proposed order. Joint, agreed and uncontested motions will be deemed ripe for consideration once filed and will not be scheduled for either an evidentiary or non-oral hearing, unless ordered by the Court. Counsel should not assume that such a motion will be automatically granted because it is agreed to.

B. Evidentiary Hearings

Oral argument or evidentiary hearings ordinarily will not be scheduled unless requested by a party, the nature of the motion requires the submission of evidence, or the Court orders it. The moving party shall state in the motion whether an evidentiary hearing is requested, and if a hearing is requested, shall obtain the date from the Court's Docket Administrator at the time the motion is filed. Notice of the hearing date shall be included in the motion after the certificate of service.

C. Non-Oral Hearings

Generally, all motions not agreed to by the parties, and which are not scheduled for an evidentiary hearing, shall be scheduled for a non-oral hearing. A non-oral hearing is not an actual court hearing, and counsel need not appear for this hearing. It is simply a specific date and time at which the motion becomes ripe for the Court to consider. All written arguments, in support of, or, in opposition to, the motion must be submitted prior to the non-oral hearing date. Generally, a decision on these matters is made shortly after the non-oral hearing date. However, other matters on the Court's docket may prevent such an expedited ruling.

D. Proposed Orders

Again, all motions not scheduled for an evidentiary hearing should be submitted with a proposed order granting the motion.

V. Stipulations

All stipulations must be set forth in writing in a document titled "Stipulations" and must be signed by all counsel. Stipulations may be filed at any time prior to or during trial.

VI. Jury Instructions, Verdict Forms, and Interrogatories

Counsel for each party are required to submit a complete set of proposed jury instructions, verdict forms and interrogatories seven (7) days prior to trial. Proposed jury instructions shall be filed with the Court and submitted electronically in Word format to dbranstool@lcounty.com.

VII. Settlement

If a case is settled, the Court shall be notified immediately.

VIII. Courtroom Technology

Judge Branstool's courtroom has upgraded technology to allow counsel to present their cases more effectively with the use of computers and other tools of technology. Counsel who wish to utilize this technology must learn how to operate the system and should contact the Judge's staff prior to trial to coordinate their efforts. The Judge's staff will arrange for counsel to view the technology available and to receive basic training on the operation of this technology.

IX. Contacting Chambers

All questions about the status or scheduling of the case should be directed to either Dixie Dunlap, at (740) 670-5771, ddunlap@lcounty.com; or Christa Walton, at (740) 670-5770, cwalton@lcounty.com.